IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE SIXTH DAY OF AUGUST
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE V.ESWARAIAH

WRIT PETITION NO : 8196 of 2004

Between:

G.Swaroopa, W/o. Late G. Narayana
H.No.21, Church colony, Ramanthpur, Uppal.

..... PETITIONER

AND

1 The Depot Manager, APSRTC, MIYAPUR, R.R.District.
2 The Regional Manager, APSRTC, Hyderabad City Region,

Hyderabad.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ, order or direction more particularly one in the nature of Writ of Mandamus directing the respondents to appoint the petitioner in class IV Category in the respondent corporation against the vacancies in sweeping and cleaning of bus and bus stations.

Counsel for the Petitioner: MR.KUNA NARASIMHA RAO

Standing Counsel for the Respondents: MR.K.HARINATH

The Court made the following :

HONOURABEL SRI JUSTICE V.ESWARAIAH

WRIT PETITION No. 8196 of 2004

ORDER:

Petitioner filed this writ petition seeking writ of mandamus, directing the respondents to consider her case in appointing her in class IV category on compassionate grounds under the Bread Winner Scheme.

It is the case of the petitioner that since her husband namely G.Narayana, while working as Conductor in A.P.S.R.T.C. at Miyapur Depot, R.R.District, died on 31-07-2003, she is entitled for the appointment in any suitable post on compassionate grounds under Bread Winner Scheme. It is stated that the petitioner is having two young children viz., G.Saiteja, aged 11 years, studying 4th class and G.Ravi Kumar, studying LKG in primary school. It is also stated that in spite of her repeated representations, and even though there are

vacancies, such as ‘Cleaner’ and ‘Sweeper’; the respondents have not considered her case.

Counter affidavit has been filed by the respondents stating that no doubt the dependants of the deceased-employee are entitled to be considered under Class IV category and that there are only two kinds of posts such as Conductor and Sweeper are vacant and available. If the petitioner possessed the minimum requisite qualification, she is entitled for the post of Conductor or for the post of Driver only. But she did not state anything in her application about her qualifications. There are no vacancies in Class IV category to consider her case under the existing Bread Winner Scheme. The qualification for the appointment of Conductor is pass in X class and for the appointment of Driver, one must possess Heavy Driving Licence. But she did not say anything about the possession any of the above qualifications and therefore, in the absence of any such qualifications, the petitioner is entitled only for the alternative claim of monetary benefit under the Bread Winner Scheme. It is admitted that the respondents are prepared to pay the monetary benefit to the petitioner under Bread Winner Scheme in lieu of appointment, if she makes any written request.

Since the fact that the husband of the petitioner died while he was working as Conductor in 1st respondent-organization is not disputed by the respondents, having regard to the facts and circumstances of the case, the petitioner is directed to file an application before the respondents along with the requisite qualifications, if she possesses, for appointment under Bread Winner Scheme to any suitable post for which she is entitled and in the absence of possession of any such qualifications, she may file an application for payment of monetary benefit under the Bread Winner Scheme in lieu of the appointment and on such representation being made, the respondents may consider and dispose of the same in accordance with law within four weeks from the date of filing of such application.

With the above observation, writ petition is disposed of. No costs.

Kvr/Tjs August 6, 2004

To

1 The Depot Manager, APSRTC, MIYAPUR, R.R.District.
2 The Regional Manager, APSRTC, Hyderabad City Regiona,

Hyderabad.

3 Two C.D.Copies.